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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/707,134 | 11/21/2003 | Michael Marx | MARX0103PA | 1133 |

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SOUTHFIELD, MI 48034

EXAMINER

ROBERTSON, TIARA S

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3635

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,134

Applicant(s)

MARX, MICHAEL

Examiner

Tiara S. Robertson

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3,8,12,16,20,23,27 and 34 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,9-11,13-15,17-19,21,22,24-26,28-33 and 35 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/21/03</u> . | 6) <input checked="" type="checkbox"/> Other: <u>Attached Drawings (2)</u> . |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 30 recites the limitation "said first planar member" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4-7, 9-11, 13-15, 17-19, 21-22, 24-26, 28-29, 31-33 and 35 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 5,692,402 to Clements.

Regarding claims 1-2,7-10 Clements shows in figures 1 and 3 an anchor device comprising an anchor body positioned partially within a deck surface opening so that a u-shaped notch (47) receives the edge of the surface (21) and the anchor body comprising a coupler extending outward from the opening and coupling to the external device (see fig. 1). The anchor device comprising a first body portion

having the coupler (fig. 2) and a second body portion comprising a notch (fig. 3).

Where the second body portion is fixedly attached to the first body portion and the first and second body portion form a unitary structure (see fig. 1).

Regarding claims 4-6, Clements shows an anchor device as recited in claim 1 where the coupler comprises a first and second coupler (17 and 18 on fig. 2) where the first and second couplers have a respective first and second, coaxial, coupling hole (38 and 39 on fig. 2)

Regarding claim 11, Clements discloses a first body portion have a housing made up of surface planar members (11 on fig. 2). A first planar member making up the top surface of the housing extends parallel to said surface (21 of fig. 3) and said coupler extending perpendicular to the planar member (17 and 18 on fig. 2).

Regarding claims 13-15, 17-19 and 21, Clements discloses an anchor device as recited in claim 7 where the first body portion comprises an extension portion having a circular shape (36 and 37 on fig 2) that extends into the second body portion (29 on fig. 1) and where the second body portion comprises a second planar member having a length and a width greater than an opening or channel formed therein (42 on fig 3).

Regarding claim 22, Clements discloses a device and described in claim 7 further comprising a fastener plate coupled to the second body portion (43 on fig. 3).

Regarding claims 24-26 and 28-29, Clements discloses an anchor device having a longitudinal and a lateral side comprising a first body positioned within a surface opening so that a U-shaped notch receives the edge of the surface (47 on fig 3) and partially positioned on the surface over the opening (see fig. 3) and a second body portion having a coupler extending outward from the first body portion and coupling to the external device (see figs. 1 & 2). Where the second body portion is fixedly coupled to the first body to form a uniform body (see fig. 1) Regarding claim 31-33 and 35, Clements discloses a device as described in claim 26 where the first body portion comprises an extension portion having a circular shape (36 and 37 on fig. 2) that extends into the second body portion and where the second body portion comprises a second planar member coupled to the first body portion and comprising a channel (42 on fig. 3).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiara S. Robertson whose telephone number is 571-272-2944. The examiner can normally be reached on Monday-Thursday, 7-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3635

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TSR
2/14/06



Carl D. Friedman
Supervisory Patent Examiner
Group 3600



